

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL J. URBANO,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 24-874
)	Judge Nora Barry Fischer
)	Magistrate Judge Maureen P. Kelly
ACJ, and ACTING WARDEN SHANE)	
DADY,)	
)	
Respondents.)	

ORDER OF COURT

AND NOW, this 23rd day of April, 2025, upon consideration of the Report and Recommendation of United States Magistrate Maureen P. Kelly dated April 2, 2025, (Docket No. 5), recommending that Petitioner Michael J. Urbano's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 be dismissed, without prejudice, for failure to prosecute, and that a certificate of appealability be denied, after conducting a detailed analysis of all of the relevant factors under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984), and ordering that any objections be filed within 14 days such that objections were due from non-ECF users like Petitioner by April 21, 2025, and no objections having been filed by the date of this Order, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of April 2, 2025, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner Urbano's Petition [1] is DISMISSED, without prejudice, for failure to prosecute, in light of the facts and circumstances of this case and the relevant factors under *Poulis* set forth by the Magistrate Judge, including, among other things, that Petitioner has failed to respond to the July 11, 2024 Deficiency Order and the February 3,

2025 Show Cause Order issued by the Magistrate Judge and has not cured the defects outlined therein as he has failed to provide a motion to proceed in forma pauperis or the supporting paperwork such as an inmate account statement, a completed authorization form authorizing the withdrawal of funds from his inmate trust account, and service papers and he has also not updated his address such that a court order was returned as undeliverable, and such facts are further buttressed by Petitioner's failure to file objections to the Report and Recommendation of April 2, 2025 by the date of this Order;

IT IS FURTHER ORDERED that no certificate of appealability shall issue as Petitioner has not made a substantial showing of a denial of a Constitutional right;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Maureen P. Kelly

cc: Michael J. Urbano
136548
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219
(via first class mail)